

Grounds of claim:

- The mark 'PAPERLAB' is registrable in Class 9 because it does not directly describe the goods in any manner;
- The trade mark 'PAPERLAB' can serve as a mark in trade to distinguish goods of the applicant from goods of other traders;
- The Office for Harmonisation in the Internal Market has accepted several similar trademarks.

(¹) Decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 17 November 2003 (Case R 842/2002-1).

Action brought on 20 January 2004 by María Pilar Aguar Fernández and 126 others against Commission of the European Communities

(Case T-20/04)

(2004/C 71/68)

(Language of the case: Spanish)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 20 January 2004 by María Pilar Aguar Fernández and 126 others, all residing in Ireland, represented by Sébastien Orlandi, Albert Coolen, Jean-Noël Louis and Etienne Marchal, lawyers, with an address for service in Luxembourg.

The applicant claims that the Court should:

1) annul the decisions of the Commission establishing the pay slips and the back pay slips in respect of the applicants since 1 July 2002 pursuant to Council Regulation (EC, Euratom) No 2265/2002 of 16 December 2002 adjusting with effect from 1 July 2002 the remuneration and pensions of officials and other servants of the European Communities and the weightings applied thereto;

2) order the Commission to pay the costs.

Pleas in law and main arguments

The applicants in the present case, all officials and servants posted to the Food and Veterinary Office, Dublin, contest the pay slips and the back pay slips concerning them for the period since 1 July 2002.

In support of their application, the applicants put forward a single plea in law challenging the validity of the weighting fixed for Ireland by Council Regulation (EC, Euratom) No 2265/2002 of 16 December 2002 (¹) inasmuch as, contrary to Article 64 of the Staff Regulations which lays down the principle of equal purchasing power between officials irrespective of their place of work does, that weighting does not offset the difference between the actual cost of living at their place of work and that in Brussels. Specifically, they state that setting the weighting at 124,8 does not meet such a requirement.

(¹) OJ 2002 L 347, p. 1.

Action brought on 21 January 2004 by Fusion Electronics Limited against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

(Case T-21/04)

(2004/C 71/69)

(Language of the case: to be determined pursuant to article 131(2) of the Rules of Procedure — language in which the case was submitted: English)

An action against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) was brought before the Court of First Instance of the European Communities on 21 January 2004 by Fusion Electronics Limited, Auckland, New Zealand, represented by Mr A. Roughton Barrister. Ford Motor Company was also a party to the proceedings before the Board of Appeal.